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09/821,176	03/29/2001	Douglas M. Camens	US010077	4010
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CHANKONG, DOHIM				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/821,176

Applicant(s)

CAMENS, DOUGLAS M.

Examiner

DOHM CHANKONG

Art Unit

2452

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This non-final action is in response to Applicant's request for continued examination. Claims 1-20 are amended. Claims 1-20 are presented for further examination.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 10/7/2009 has been entered.

Response to Arguments

Applicant's amendments do not overcome the previously cited references, *Namma* and *Kimmel*, for the following reasons. Furthermore, the examiner does not understand some of Applicant's arguments and how they relate to the new limitations of the claims. Applicant argues that *Namma*'s virtual server apparatus (which is compared to the claimed master control device) "is different from the servers 92 and 93 in that it cannot perform the functions of the servers 92 and 93" and "is not controllable to provide data independently from the servers 92, 93."

Applicant further argues that *Namma's* virtual server "does not produce image data without receiving it from one of the serves [sic] 92, 93." This argument presumably relates to the new limitation which recites "*each one of said plurality of devices* is controllable to provide given data to said web browser that is acquired by the each one of said plurality of devices *without receiving the given data from another one of said plurality of devices*" (emphasis added).

Applicant's arguments hinge on interpreting the master control device as one of the plurality of devices. However, there is no language in the claims that require interpreting the master control device as one of the plurality of devices. Instead, the claims merely recite "a master control device of the plurality of devices." This limitation does not recite that the master control device is one of the plurality of devices. Thus, there is no requirement that the master control device provide given data to the web browser.

According to the independent claims, the only limitations relating to the master control device are: (1) comprising an embedded web server, a peer interface module, and host software; (2) controlling the plurality of devices; (3) communicating in a peer to peer manner with the linked devices of the plurality of devices; and (4) communicating with a device for operating a web browser so that the browser indirectly controls the plurality of devices through the master control device. None of these limitations require the master to perform the same features as the plurality of devices.

Moreover, Applicant's argument makes no sense because the claims clearly differentiate between the master control device and the plurality of devices in stating "wherein said web browser *controls each of said plurality of devices indirectly* through said embedded web server on *said master control device*." Clearly, all of the plurality of devices are controlled indirectly.

Since the master control device is controlled directly by the browser, the master device cannot be interpreted as part of the plurality of devices. Additionally, the claim language requires the web browser to receive the data "directly from each of said plurality of devices *that have been selected to provide data*" and not the master control device. The master control device is not necessarily selected to provide data.

Based on the foregoing, there are no limitations that require interpreting the master control device as the plurality of devices and no limitations that require the web browser to receive data directly from the master control device. If Applicant desires that these features be interpreted as part of the claim then the examiner suggests further amending the claims to make those features more clear in the claims.

Applicant also amends the independent claims to recite that the peer interface module of a linked device "communicates in a peer to peer manner with the peer interface module of said master control device." This amendment also does not overcome the cited references. According to the Board's decision which was decided on 8/7/2009, "the network of *Namma* connects server 91 to servers 92 and 93 (FF2), which constitutes a server-to-server, or "peer-to-peer," network [pg. 6]. Because *Namma* discloses a peer-to-peer network, it stands to reason that the servers within this peer-to-peer network communicate in a "peer-to-peer manner" as claimed.

For the foregoing reasons, Applicant's arguments are not persuasive. The rejections as set forth in the final rejection which was mailed on 6/22/2006 are maintained. Applicant's other amendments are further addressed in the claim rejection that follows.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- I. **CLAIMS 1-20 ARE REJECTED UNDER 35 U.S.C. 103(A) AS BEING UNPATENTABLE OVER *NAMMA ET AL.* (U.S. PATENT NUMBER 6,182,116), HEREINAFTER REFERRED TO AS *NAMMA*, IN VIEW OF *KIMMEL ET AL.* (U.S. PATENT NUMBER 6,281,790), HEREINAFTER REFERRED TO AS *KIMMEL*.**

The line citations below refer to *Namma* unless otherwise noted.

Claim 1

Namma as modified by *Kimmel* discloses a peer distributed, embedded web server system accessing and controlling a plurality of devices, comprising:

a master control device of the plurality of devices, the master control device comprising an embedded web server, a peer interface module, and host software (figure 9, item 91);

one or more linked devices of the plurality of devices that are controlled by said embedded web server of said master control device (figure 9, items 92 and 93), said linked devices each comprising a peer interface module that communicates in a peer to peer manner with the peer interface module of said master control device for being controlled by said embedded web server (figure 9, items 21 and 31 and *Kimmel*, figure 3, Ethernet Network); and

a device for operating a web browser communicating with said embedded web server on said master control device in order to access said plurality of linked devices (figure 9, item 94), wherein said web browser controls each of said plurality of devices indirectly through said

embedded server on said master control device (column 21, lines 30-43 and 55-62) receives data directly from each of said plurality of devices that have been selected to provide data (column 21, line 62 through column 22, line 5 and *Kimmel*, column 2, lines 23-35), wherein each one of said plurality of devices is controllable to provide given data to said web browser that is acquired by the each one of said plurality of devices without receiving the given data from another one of said plurality of devices [*Kimmel*, column 2, lines 23-35: sending monitored data directly to the user operated browser].

As indicated in the foregoing claim mapping, *Namma* did not explicitly state that the user operated web browser receiving data directly from the plurality of linked devices that have been selected. However, both of these features were well known in the art at the time of Applicant's invention as evidenced by *Kimmel* whose remote monitoring system allows for monitored data to be sent directly to a monitoring site (or user operated browser). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of *Namma* by adding the ability for the user operated web browser to receive data directly from the plurality of linked devices that have been selected as provided by *Kimmel*. Again the combination satisfies the need for a remote monitoring system where the precise location of an object being monitored can be provided to a monitoring site in real time. See *Kimmel*, column 1, line 65 through column 2, line 5.

Claim 2

Namma as modified by *Kimmel* discloses the peer distributed, embedded web server system for accessing and controlling the plurality of devices in accordance with claim 1, wherein

said peer interface module of said master control device has an addressing capability for communicating individually with each of the linked devices (column 21, lines 30-47).

Claim 3

Namma as modified by *Kimmel* discloses the peer distributed, embedded web server system for accessing and controlling the plurality of devices in accordance with claim 1, wherein said plurality of devices each comprise a device selected from at least one of a digital video recorder, a digital video encoder, and a network camera (column 21, lines 23-30, figure 14, item 2002, and figure 9, items 2002 and 3002).

Claim 4

Namma as modified by *Kimmel* discloses the peer distributed, embedded web server system for accessing and controlling the plurality of devices in accordance with claim 3, wherein each of said plurality of devices comprise a digital video recorder, and wherein each digital video recorder is operatively connected to at least one camera (column 24, lines 39-42).

Claim 5

Namma as modified by *Kimmel* discloses the peer distributed, embedded web server system for accessing and controlling the plurality of devices in accordance with claim 1, wherein said plurality of devices are each operatively connected to at least one camera (figure 14, item 2002 and figure 9, items 2002 and 3002).

Claim 6

Namma as modified by *Kimmel* discloses the peer distributed, embedded web server system for accessing and controlling the plurality of devices in accordance with claim 5, wherein said web browser provides HTTP commands to said embedded web server of said master control

device for receiving a video stream from any designated one or more of said plurality of devices (column 21, line 62 through column 22, line 5).

Claim 7

Namma as modified by *Kimmel* discloses an embedded web server system for accessing and controlling the plurality of devices, the embedded web server system comprising:

a master control device of the plurality of devices, the master control device comprising an embedded web server, a peer interface means, and host software (figure 9, item 91);

one or more linked devices of the plurality of devices that are controlled by said embedded web server of said master control device (figure 9, items 92 and 93 and *Kimmel*, figure 3, Ethernet Network), said linked devices each comprising a peer interface module that communicates in a peer to peer manner with the peer interface of said master control device for being controlled by said embedded web server (figure 9, items 21 and 31);

a device for operating a web browser for communicating with said embedded web server on said master control device in order to access said plurality of devices (figure 9, item 94); and

at least one camera operatively connected to each of said plurality of devices (figure 14, item 2002 and figure 9, items 2002 and 3002),

wherein said cameras are controlled by said web browser indirectly through said embedded web server on said master control device (column 21, lines 30-43 and 55-62) and images are received directly from any of said cameras that have been selected (column 21, line 62 through column 22, line 5 and *Kimmel*, column 2, lines 23-35), wherein each one of said plurality of devices is controllable to provide given data to said web browser that is acquired by the each one of said plurality of devices without receiving the given data from another one of

said plurality of devices [*Kimmel*, column 2, lines 23-35: sending monitored data directly to the user operated browser].

See the rejection of claim 1 for reasons to combine *Namma* and *Kimmel*.

Claim 8

Namma as modified by *Kimmel* discloses the embedded web server system for accessing and controlling the plurality of devices in accordance with claim 7, wherein said peer interface of said master control device has an addressing capability for communicating individually with each of the linked devices (column 21, lines 30-47).

Claim 9

Namma as modified by *Kimmel* discloses the embedded web server system for accessing and controlling the plurality of devices in accordance with claim 7, wherein said master control device and said linked devices each comprises a digital video recorder (column 24, lines 39-42).

Claim 10

Namma as modified by *Kimmel* discloses the embedded web server system for accessing and controlling the plurality of devices in accordance with claim 7, wherein said master control device is operatively connected to each of said at least one cameras of said linked devices (figure 9, items 2002 and 3002).

Claim 11

Namma as modified by *Kimmel* discloses the embedded web server system for accessing and controlling the plurality of devices in accordance with claim 10, wherein said web browser provides HTTP commands to said embedded web server of said master control device for

receiving a video stream from any designated one or more of said plurality of devices (column 21, line 62 through column 22, line 5).

Claim 12

Nanna as modified by *Kimmel* discloses a distributed system for accessing and controlling the plurality of devices, the system comprising:

a master control device of the plurality of devices, the master control device comprising a peer interface, an embedded web server and host software (figure 9, item 91);

one or more linked devices of the plurality of devices that are controlled by said embedded web server of said master control device (figure 9, items 92 and 93 and *Kimmel*, figure 3, Ethernet Network), said linked devices each comprising a peer interface module that communicates in a peer to peer manner with the peer interface of said master control device for controlling each of said plurality of devices by said embedded web server through said peer interface (figure 9, items 21 and 31);

a web browser (figure 9, item 94) configured to access the embedded web server on said master control device to enable the web browser to indirectly control each of said plurality of devices through the embedded web server on said master control device (column 21, lines 30-43 and 55-62) and directly receive data from each of said plurality of devices (column 21, line 62 through column 22, line 5 and *Kimmel*, column 2, lines 23-35), wherein each one of said plurality of devices is controllable to provide given data to said web browser that is acquired by the each one of said plurality of devices without receiving the given data from another one of said plurality of devices [*Kimmel*, column 2, lines 23-35: sending monitored data directly to the user operated browser].

See the rejection of claim 1 for reasons to combine *Namma* and *Kimmel*.

Claim 13

Namma as modified by *Kimmel* discloses the distributed system for accessing and controlling the plurality of devices in accordance with claim 12, wherein said peer interface module of said master control device has an addressing capability for communicating individually with each of the linked devices (column 21, lines 30-47).

Claim 14

Namma as modified by *Kimmel* discloses the distributed system for accessing and controlling the plurality of devices in accordance with claim 12, wherein each of said plurality of devices comprises at least one of a digital video recorder, a digital video encoder, and a network camera (column 21, lines 23-30, figure 14, item 2002, and figure 9, items 2002 and 3002).

Claim 15

Namma as modified by *Kimmel* discloses the distributed system for accessing and controlling the plurality of devices in accordance with claim 14, wherein each of said plurality of devices comprise a digital video recorder, and each digital video recorder is operatively connected to at least one camera (column 24, lines 39-42).

Claim 16

Namma as modified by *Kimmel* discloses the distributed system for accessing and controlling the plurality of devices in accordance with claim 12, wherein said plurality of devices are each operatively connected to at least one camera (figure 14, item 2002 and figure 9, items 2002 and 3002).

Claim 17

Namma as modified by *Kimmel* discloses the distributed system for accessing and controlling the plurality of devices in accordance with claim 16, wherein said web browser provides HTTP commands to said embedded web server of said master control device for receiving a video stream from any designated one or more of said plurality of devices (column 21, line 62 through column 22, line 5).

Claim 18

Namma as modified by *Kimmel* discloses the distributed server system for accessing and controlling the plurality of devices in accordance with claim 12, further comprising a viewer within the web browser that allows data from data from each of said linked devices to be viewed by said master control device (column 23, lines 32-36).

Claim 19

Namma as modified by *Kimmel* discloses the distributed server system for accessing and controlling the plurality of devices in accordance with claim 18, further comprising a web page within said web browser that allows incorporation of at least one additional of said linked devices into the distributed server system (column 22, lines 6-28).

Claim 20

Namma as modified by *Kimmel* discloses the distributed server system for accessing and controlling the plurality of devices in accordance with claim 19, wherein said web page provides address entry of said at least one additional of said linked devices for incorporation of data from said at least one additional of said linked into said viewer (column 22, lines 6-28).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-3942. The examiner can normally be reached on Monday to Friday [10 am - 6 pm].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on (571)272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DOHM CHANKONG/
Primary Examiner, Art Unit 2452